

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**LAKE CHARLES DIVISION**

<b>GASPARD ONE, L.L.C., ET AL</b>	<b>*</b>	<b>CIVIL ACTION NO. 07-1551</b>
<b>VERSUS</b>	<b>*</b>	<b>JUDGE DOHERTY</b>
<b>B P AMERICA PRODUCTION CO., ET AL</b>	<b>*</b>	<b>MAGISTRATE JUDGE HILL</b>

## REPORT AND RECOMMENDATION

By separate order signed this date, the undersigned has denied the motion to remand filed by the plaintiffs herein, holding that the joinder of the State defendants is improper under *Smallwood v. Illinois Central Railway Company*, 385 F.3d 568, 572 (5<sup>th</sup> Cir. 2004).

For those reasons set out in the ruling of the undersigned denying the motion to remand, which reasons are adopted herein by reference in full, the undersigned recommends that the defendants Louisiana Department of Natural Resources and Louisiana Department of Environmental Quality be **dismissed without prejudice.**

Under the provisions of 28 U.S.C. Section 636(b)(1)(C) and Rule 72(b), parties aggrieved by this recommendation have ten (10) business days from service of this report and recommendation to file specific, written objections with

the Clerk of Court. A party may respond to another party's objections within ten (10) days after being served with a copy of any objections or responses to the district judge at the time of filing.

**Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within ten (10) days following the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. See Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996).**

February 15, 2008. Lafayette, Louisiana.

  
C. MICHAEL HILL  
UNITED STATES MAGISTRATE JUDGE